

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

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LLS NO. 18-0549.01 Thomas Morris x4218

COMMITTEE BILL

Committee on Legal Services

**BILL TOPIC:** "Relocate Title 12 Use Of Unsworn Declarations"

**DEADLINES:** Finalize by: JAN 29, 2018 File by: JAN 31, 2018

**A BILL FOR AN ACT**

101      **CONCERNING THE NONSUBSTANTIVE RELOCATION OF LAWS RELATED**  
102              **TO THE USE OF UNSWORN DECLARATIONS FROM TITLE 12,**  
103              **COLORADO REVISED STATUTES, TO TITLE 13 AS PART OF THE**  
104              **ORGANIZATIONAL RECODIFICATION OF TITLE 12.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Committee on Legal Services.** Current law directs the Office of Legislative Legal Services to study the organizational recodification of title 12, Colorado Revised Statutes, which relates to professions and

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

occupations. To implement the initial recommendations of the study, the bill relocates the laws relating to the use of unsworn declarations from title 12 to title 13.

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*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add with amended and relocated provisions** article 27 to title 13 as follows:

**ARTICLE 27**

**Uniform Unsworn Declarations Act**

**13-27-101. [Formerly 12-55-301] Short title.** The short title of this ~~part~~<sup>3</sup> ARTICLE 27 is the "Uniform Unsworn Declarations Act".

**13-27-102. [Formerly 12-55-302] Definitions.** In this ~~part~~<sup>3</sup> ARTICLE 27:

(1) "Boundaries of the United States" means the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

(2) "Law" includes the federal or a state constitution, a federal or state statute, a judicial decision or order, a rule of court, an executive order, and an administrative rule, regulation, or order.

(3) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(4) "Sign" means, with present intent to authenticate or adopt a record:

(A) To execute or adopt a tangible symbol; or

(B) To attach to or logically associate with the record an electronic symbol, sound, or process.

1 (5) "State" means a state of the United States, the District of  
2 Columbia, Puerto Rico, the United States Virgin Islands, or any territory  
3 or insular possession subject to the jurisdiction of the United States.

4 (6) "Sworn declaration" means a declaration in a signed record  
5 given under oath. The term includes a sworn statement, verification,  
6 certificate, and affidavit.

7 (7) "Unsworn declaration" means a declaration in a signed record  
8 that is not given under oath, but is given under penalty of perjury.

9 **13-27-103. [Formerly 12-55-303] Applicability.** This ~~part 3~~  
10 ARTICLE 27 applies to an unsworn declaration by a declarant who at the  
11 time of making the declaration is physically located within or outside the  
12 boundaries of the United States whether or not the location is subject to  
13 the jurisdiction of the United States.

14 **13-27-104. [Formerly 12-55-304] Validity of unsworn**  
15 **declaration.** ~~(a)~~ (1) Except as otherwise provided in subsection ~~(b)~~ (2)  
16 of this section, if a law of this state requires or permits use of a sworn  
17 declaration in a court proceeding, an unsworn declaration meeting the  
18 requirements of this ~~part 3~~ ARTICLE 27 has the same effect as a sworn  
19 declaration.

20 ~~(b)~~ (2) This ~~part 3~~ ARTICLE 27 does not apply to:

21 ~~(1)~~ (a) A deposition;

22 ~~(2)~~ (b) An oath of office;

23 ~~(3)~~ (c) An oath required to be given before a specified official  
24 other than a notary public;

25 ~~(4)~~ (d) A declaration to be recorded pursuant to article 35 of title  
26 38 C.R.S., for the purposes of conveying and recording title to real  
27 property or a declaration required to be recorded for purposes of

1 registering title to real property pursuant to article 36 of title 38; ~~C.R.S.~~;  
2 or

3 ~~(5)~~ (e) An oath required by section 15-11-504 ~~C.R.S.~~, for a  
4 self-proved will.

5 **13-27-105. [Formerly 12-55-305] Required medium.** If a law  
6 of this state requires that a sworn declaration be presented in a particular  
7 medium, an unsworn declaration must be presented in that medium.

8 **13-27-106. [Formerly 12-55-306] Form of unsworn**  
9 **declaration.** An unsworn declaration under this ~~part 3~~ ARTICLE 27 must  
10 be in substantially the following form:

11 I declare under penalty of perjury under the law of  
12 Colorado that the foregoing is true and correct.

13 Executed on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,

14 (date) (month) (year)

15 at \_\_\_\_\_

16 (city or other location, and state or country)

17 \_\_\_\_\_

18 (printed name)

19 \_\_\_\_\_

20 (signature)

21 **13-27-107. [Formerly 12-55-307] Uniformity of application**  
22 **and construction.** In applying and construing this uniform act,  
23 consideration must be given to the need to promote uniformity of the law  
24 with respect to its subject matter among states that enact it.

25 **13-27-108. [Formerly 12-55-308] Relation to "Electronic**  
26 **Signatures in Global and National Commerce Act".** This ~~part 3~~  
27 ARTICLE 27 modifies, limits, and supersedes the federal "Electronic

1 Signatures in Global and National Commerce Act", 15 U.S.C. sec. 7001,  
2 et seq., but does not modify, limit, or supersede section 101 (c) of that act,  
3 15 U.S.C. sec. 7001 (c), or authorize electronic delivery of any of the  
4 notices described in section 103 (b) of that act, 15 U.S.C. sec. 7003 (b).

5 **SECTION 2. Repeal of relocated provisions in this act.** In  
6 Colorado Revised Statutes, **repeal** part 3 of article 55 of title 12.

7 **SECTION 3.** In Colorado Revised Statutes, 18-8-501, **amend**  
8 (2)(a)(IV) as follows:

9 **18-8-501. Definitions.** The definitions in sections 18-8-101 and  
10 18-8-301 are applicable to this part 5, and, in addition to those  
11 definitions:

12 (2) (a) "Oath" includes an affirmation and every other mode  
13 authorized by law of attesting to the truth of that which is stated. For the  
14 purposes of this section, written statements shall also be treated as if  
15 made under oath if:

16 (IV) The statement meets the requirements for an unsworn  
17 declaration under the "Uniform Unsworn Declarations Act", ~~part 3 of~~  
18 ~~article 55 of title 12~~ ARTICLE 27 OF TITLE 13.

19 **SECTION 4. Act subject to petition - effective date.** This act  
20 takes effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly (August  
22 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
23 referendum petition is filed pursuant to section 1 (3) of article V of the  
24 state constitution against this act or an item, section, or part of this act  
25 within such period, then the act, item, section, or part will not take effect  
26 unless approved by the people at the general election to be held in

1 November 2018 and, in such case, will take effect on the date of the  
2 official declaration of the vote thereon by the governor.

3 <{*Do you want a safety clause or a specific effective date? Note that the*  
4 *other two parts of article 55 will be repealed on 7/1/18.*}>